

Office of the Revisor of Statutes

Administrative Rules

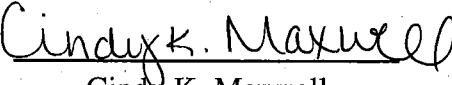


TITLE: Proposed Permanent Rules Relating to Greenhouse Gas Permit Requirements

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapters 7005, 7007, and 7011

The attached rules are approved for
publication in the State Register


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Pollution Control Agency**Proposed Permanent Rules Relating to Greenhouse Gas Permit Requirements****7005.0100 DEFINITIONS.**

[For text of subps 1 to 10, see M.R.]

Subp. 10a. **Emission factor.** "Emission factor" means the most accurate and representative emission data available from one of the following sources:

[For text of items A and B, see M.R.]

C. (1) An emission factor developed or approved by the commissioner and derived from the following sources:

[For text of units (a) to (d), see M.R.]

(e) manufacturer's performance tests; ~~or~~

(f) emission data developed by the regulated party using the best engineering judgment criteria listed in subitem (2); or

(g) the General Reporting Protocol for the voluntary reporting program of the Climate Registry.

[For text of subitem (2), see M.R.]

[For text of subps 10b to 11c, see M.R.]

Subp. 11d. **Greenhouse gases or GHGs.** "Greenhouse gases" or "GHGs" means the air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

[For text of subps 12 to 29, see M.R.]

Subp. 30. **Owner or operator.** "Owner" or "operator" means a person who owns, leases, operates, controls, or supervises an emissions unit, emission facility, or stationary source.

[For text of subps 31 to 45, see M.R.]

7007.0050 SCOPE.

Parts 7007.0100 to 7007.1850 apply to the issuance of permits to construct, modify, reconstruct, or operate emissions units, emission facilities, or stationary sources that emit any air pollutant, and to the revocation, reissuance, or amendment of those permits. Parts 7007.0100 to 7007.1850 apply to permits issued to owners and operators of stationary sources requiring permits under federal law at Code of Federal Regulations, title 40, part 70, as amended (Operating Permit Program), or under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements in Nonattainment Areas) of the act, or under section 112(g)(2)(B) of the act (hazardous air pollutants), and to stationary sources requiring permits solely under state law. Owners and operators of sources proposing construction or modifications subject to parts C and D of the act are subject to the permitting requirements of part 7007.3000, incorporating by reference the provisions of Code of Federal Regulations, title 40, section 52.21, or parts 7007.4000 to 7007.4040 in addition to parts 7007.0100 to 7007.1850. ~~Sources~~ Owners and operators proposing construction or reconstruction of sources subject to section 112(g)(2)(B) of the act are subject to the requirements of part 7007.3010, incorporating by reference the provisions of Code of Federal Regulations, title 40, sections 63.40 to 63.44, in addition to parts 7007.0100 to 7007.1850.

7007.0100 DEFINITIONS.

[For text of subps 1 to 7a, see M.R.]

Subp. 7b. **Capped emission permit or capped permit.** "Capped emission permit" or "capped permit" means a state permit issued under parts 7007.1140 to 7007.1148. All capped permit requirements are contained in rule. There are no site-specific permit requirements. The capped permit allows owners and operators of a stationary source to make changes provided emissions remain below thresholds and all other conditions in

parts 7007.1140 to 7007.1148 are met. The permit is designed for certain noncomplex facilities for which site-specific conditions are not necessary.

Subp. 7c. **CO₂ equivalent emissions or CO₂e.** "CO₂ equivalent emissions" or "CO₂e" has the meaning given under subpart 24a.

Subp. 7e 7d. **Customary permit conditions.** "Customary permit conditions" means the permit conditions related to amendments, deviation reporting, and calculation frequency that are included in a state permit with environmental management systems (EMS) provisions and are applicable if the owners and operators of a stationary source ~~is~~ are establishing or ~~has~~ have lost eligibility for the EMS provisions.

[For text of subps 8 to 12b, see M.R.]

Subp. 12c. **Major nonconformance.** "Major nonconformance" means a failure to establish, implement, or maintain a numbered element of the ISO 14001 EMS standard that has the potential to cause a violation of regulatory, legal, or other environmental requirements. This definition applies to ~~an owner or operator~~ owners and operators of a stationary source applying for or holding a state permit that includes EMS provisions. A major nonconformance is identified by an EMS auditor.

[For text of subps 13 to 18a, see M.R.]

Subp. 19. **Regulated air pollutant.** "Regulated air pollutant" means the following:

[For text of items A to C, see M.R.]

D. any class I or II substance listed pursuant to section 602 of the act (Stratospheric Ozone Protection; Listing of class I and class II Substances); ~~or~~

E. any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the act (Hazardous Air Pollutants), including sections 112(g)(2)(B) (construction or reconstruction of major source of

hazardous air pollutants), 112(j) (Equivalent Emission Limitation by Permit), and 112(r) (Prevention of Accidental Releases), including the following:

[For text of subitem (1), see M.R.]

(2) any pollutant for which the requirements of section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the act have been met, but only with respect to the individual source subject to the section 112(g)(2)(B) requirement; or

F. greenhouse gases as defined in part 7005.0100, subpart 11d.

[For text of subps 20 to 24, see M.R.]

Subp. 24a. **Subject to regulation.** "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally applicable regulation codified by the administrator in Code of Federal Regulations, title 40, chapter I, subchapter C (Air Programs), that requires actual control of the quantity of emissions of that pollutant and the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity, except that greenhouse gases (GHGs) as defined under part 7005.0100, subpart 11d, are not subject to regulation unless, as of July 1, 2011, the GHGs emissions are at a stationary source emitting or having the potential to emit 100,000 tons per year (tpy) CO₂ equivalent emissions. "CO₂ equivalent emissions" or "CO₂e" represent an amount of GHGs emitted and that are computed by multiplying the mass amount of emissions for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential under Table A-1 to subpart A of Code of Federal Regulations, title 40, part 98, Global Warming Potentials, as amended, and summing the resultant value for each to compute emissions as CO₂e.

Subp. ~~24a.~~ 24b. **Summary of EMS audit results.** "Summary of EMS audit results" is a document signed by an EMS auditor, describing the date and scope of the audit,

and conformance, minor nonconformance, or any major nonconformance found in the course of an EMS audit. For major nonconformance, the summary of EMS audit results summarizes the objective evidence found by the EMS auditor, describes corrective actions planned or completed by the owners and operators of the stationary source, and details follow-up audit activity planned or completed by the EMS auditor.

Subp. 25. **Title I condition.** "Title I condition" means one of the following types of permit conditions based on requirements of title I of the act:

[For text of items A and B, see M.R.]

C. any condition for which there is no corresponding underlying applicable requirement and that the owners and operators of the stationary source ~~has~~ have assumed to avoid being subject to a new source review program under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) or a preconstruction review program under section 112(g)(2)(B) of the act or implementing state rules or federal regulations; and

D. any condition which is part of a plan approved by the EPA or submitted to the EPA and pending approval under section 111(d) (Standards of Performance for New Stationary Sources) or section 129 (Solid Waste Combustion) of the act.

[For text of subps 26 to 28, see M.R.]

7007.0150 PERMIT REQUIRED.

Subpart 1. Prohibition.

A. No person may construct, modify, reconstruct, or operate an emissions unit, emission facility, or stationary source ~~except in compliance with an air emission until plans for it have been submitted to the agency and a written permit from~~ for it has been granted by the agency. Exceptions to the requirement to obtain a permit are located in part 7007.0300. Exceptions to the requirement to obtain a permit amendment are located in

parts 7007.1250 and 7007.1350. ~~A person violates this subpart when the person begins actual construction on a new source, reconstruction, or modification prior to obtaining the permit or amendment, except as allowed in parts 7007.0750, subpart 7, 7007.1450, subpart 7, and 7007.1500, subpart 3a.~~

B. Requirements related to greenhouse gases for the timing to construct modifications are as follows:

(1) if, on July 1, 2011, owners or operators held a part 70 or state air emission permit or compliance schedule that was issued before July 1, 2011, and that authorizes or allows a pending modification, the owners and operators may not begin actual construction of any modification until the owners and operators assess the emissions of GHGs as CO₂e under Code of Federal Regulations, title 40, section 52.21. This assessment was due by July 1, 2011, under temporary rules adopted on January 24, 2011; and

(2) if the permit or compliance schedule issued before July 1, 2011, does not address the requirements for GHGs under Code of Federal Regulations, title 40, section 52.21, and emissions are above the GHG threshold, the owners and operators must submit a new application and receive a new permit or schedule before construction can begin.

C. Owners or operators must retain records on site of the owners' or operators' determination under item B of CO₂e emissions related to a modification for five years from the date of the calculation or until July 1, 2016, whichever is sooner, if the following conditions apply:

(1) the owners or operators held a permit or compliance schedule issued before July 1, 2011, that included a pending modification;

(2) the owners or operators made calculations of CO₂e related to the pending modification by June 30, 2012; and

(3) the owners and operators did not submit a new permit application to address GHG emissions from the pending modification.

D. Items B and C do not apply to stationary sources that are covered by registration permits under parts 7007.1110 to 7007.1130 or capped permits under parts 7007.1140 to 7007.1147.

E. By July 1, 2011, an owner or operator holding any existing part 70 or state facility permit must calculate whether the facility's potential to emit greenhouse gases meets or exceeds the permit threshold for greenhouse gases in part 7007.0200, subpart 2.

(1) If the potential to emit greenhouse gases as CO₂e does not exceed the permit threshold for greenhouse gases, the owner or operator must retain records of the calculation on site until January 2, 2016.

(2) If the potential to emit greenhouse gases as CO₂e exceeds the permit threshold for greenhouse gases, then the owner or operator must notify the Pollution Control Agency by June 30, 2011, if the facility can retain its current permit or submit an application by July 1, 2012, to revise the permit.

[For text of subps 2 and 3, see M.R.]

Subp. 4. Calculation of potential to emit.

A. For purposes of parts 7007.0200 and 7007.0250, the ~~owner or operator~~ owners and operators of a stationary source shall calculate the stationary source's potential to emit using the definition in part 7005.0100, subpart 35a, except as provided in subitems (1) to (4).

(1) Emissions caused by activities described in subpart 2 of the insignificant activities list in part 7007.1300 shall not be considered in the calculation of potential emissions.

(2) Emissions caused by activities described in subpart 3 of the insignificant activities list in part 7007.1300 shall be considered in the calculation of potential emissions if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).

(3) Emissions caused by any conditionally insignificant activity must be considered in the calculation of potential emissions if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).

(4) If a stationary source consists in part of emissions units that could have qualified as a conditionally exempt stationary source under chapter 7008 but for the presence of other noneligible emissions units, potential emissions caused by emissions from those units may be based on the limits imposed under chapter 7008 provided that general and technical standards of chapter 7008 are met with regard to those emissions units.

Calculations of emissions under this subpart are only intended to determine if a permit is required.

B. To make the determination of whether a permit is required, the ~~owner or operator~~ owners and operators of a stationary source shall use the potential to emit calculation method described in item A. To determine what type of permit is required, if a permit is required, the control equipment efficiency determined by part 7011.0070 for listed control equipment at a stationary source may be used in calculating emissions if the owner or operator is in compliance with parts 7011.0060 to 7011.0080.

C. When calculating emissions to determine if a permit amendment is required, the calculation method stated in part 7007.1200 shall be used.

[For text of subp 5, see M.R.]

7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

Subpart 1. **Part 70 permit required.** The owners and operators of any emission facilities, emission units, and stationary sources described in subparts 2 to 5 must obtain a part 70 permit from the agency. All provisions of parts 7007.0100 to 7007.1850 apply to part 70 permits unless the provision states that it applies only to state permits, registration permits, capped permits, or general permits. If the ~~owner or operator~~ owners and operators of a stationary source ~~is~~ are required to obtain a part 70 permit by subpart 2, item B or C, the ~~owner or operator~~ owners and operators shall also separately determine under subpart 2, item A, if the stationary source is a major source subject to major source requirements under section 112 of the act.

Subp. 2. **Major sources.** Any "major source," which means any stationary source that is described in item A, B, or C, must obtain a permit under this part.

[For text of item A, see M.R.]

B. A major stationary source of air pollutants, as defined in section 302 of the act (General Provisions; Definitions), that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator) and, effective July 1, 2011, 100,000 tons per year CO₂e of greenhouse gases. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the act, unless the stationary source belongs to one of the following categories of stationary sources:

[For text of subitems (1) to (27), see M.R.]

[For text of item C, see M.R.]

[For text of subps 3 to 6, see M.R.]

7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

Subpart 1. **State permit required.** The owners and operators of stationary sources described in this part must obtain a state permit from the agency under this part. All provisions of parts 7007.0100 to 7007.1850 apply to state permits unless the provision states that it applies only to part 70 permits, general permits, capped permits, or registration permits.

Subp. 2. **NSPS/NESHAP state permits.** Owners and operators of a stationary source must obtain a permit under this part if:

[For text of items A and B, see M.R.]

Subp. 3. **SIP required state permit.** Owners and operators of a stationary source must obtain a permit under this part if the agency notifies the ~~source~~ owners and operators that such a permit is needed as part of a state implementation plan to be submitted to the EPA to demonstrate attainment with a national ambient air quality standard.

Subp. 4. **PTE threshold required state permit.** Owners and operators of a stationary source must obtain a permit under this part if ~~it~~ the source has the potential to emit any pollutant listed below at a rate equal to or greater than the following amounts, in tons per year:

Pollutant	Threshold
Lead	0.5 tons per year
SO ²	50.0 tons per year
PM-10	25.0 tons per year
VOCs	100.0 tons per year

Subp. 5. **Part 70 permits.** Part 7007.0250 does not apply to owners and operators of a stationary source that ~~is~~ are required to or ~~chooses~~ choose to obtain a part 70 permit under part 7007.0200. However, owners and operators of a stationary source that would otherwise be required to obtain a part 70 permit under part 7007.0200 may avoid that requirement by obtaining a state permit under this part which contains federally

enforceable conditions to limit its emissions to levels below those that would trigger the requirement to obtain a part 70 permit.

Subp. 6. **Waste combustors.** Owners and operators of a waste combustor, as defined in part 7011.1201, must obtain a permit under this part unless ~~it~~ the waste combustor is:

A. a Class IV waste combustor located at a hospital; or

B. a waste combustor subject to the exemptions in part 7011.1215, subpart 3.

Notwithstanding the exemptions in items A and B, owners and operators of a Class IV waste combustor that does not comply with the stack height requirements of part 7011.1235, subpart 1, but uses alternative techniques to achieve equivalent ambient pollution concentrations, must obtain a permit under this part. The permit obtained shall not be a registration permit under parts 7007.1110 to 7007.1130.

Subp. 7. **Registration permits.** Owners and operators of a stationary source that ~~are~~ required to obtain a state permit from the agency under this part, or ~~which chooses~~ that choose to obtain a state permit to limit ~~its~~ the stationary source's emissions to levels below those that would trigger the requirement to obtain a part 70 permit, may elect to instead obtain a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts.

Subp. 8. **Capped permits.** Owners and operators of a stationary source that are required to obtain a state permit from the agency under this part, or ~~which chooses~~ that choose to obtain a state permit to limit ~~its~~ the stationary source's emissions to levels below those that would trigger the requirement to obtain a part 70 permit, may elect to instead obtain a capped permit under parts 7007.1140 to 7007.1148, if the stationary source qualifies under those parts.

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The owners and operators of the following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

A. any stationary source that is not described in part 7007.0200, subparts 2 to 5, or 7007.0250;

B. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be ~~required to obtain~~ covered by a permit solely because it is subject to one or more of the following new source performance standards:

[For text of subitems (1) to (3), see M.R.]

(4) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference at part 7011.0570), if all steam generating units subject to this standard at the stationary source are only capable of combusting natural gas or propane; ~~and~~

(5) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference at part ~~7011.3520~~ 7011.2305), if all engines subject to this standard at the stationary source each have a displacement less than 30 liters per cylinder and did not rely on performance testing of the affected unit to demonstrate compliance with the standard; and

(6) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (incorporated by reference at part 7011.2310), if all engines did not rely on performance testing of the affected unit to demonstrate compliance with the standard;

C. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be ~~required to obtain~~ covered by a permit solely because it is subject to

Code of Federal Regulations, title 40, part 61, subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation, or 61.154, Standard for Active Waste Disposal Sites (incorporated by reference at part 7011.9920);

[For text of items D and E, see M.R.]

F. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be ~~required to obtain~~ covered by a permit solely because it is subject to one or more new source performance standards under Code of Federal Regulations, title 40, part 60, and that is subject only to the notification and record-keeping provisions of the applicable standards.

Subp. 2. [Repealed, 21 SR 165]

7007.0325 BIOGENIC CARBON DIOXIDE EXCLUSION FROM APPLICABILITY THRESHOLDS.

Subpart 1. Biogenic carbon dioxide exclusion. To calculate the potential to emit GHGs as CO₂e for the purpose of determining the applicability of new source review/prevention of significant deterioration (NSR/PSD) and part 70 requirements, biogenic carbon dioxide shall not be included in the total amount of GHGs as CO₂e until the date on which biogenic carbon dioxide emissions must be included under federal law. Biogenic carbon dioxide emissions are carbon dioxide emissions resulting from the combustion or decomposition of nonfossilized and biodegradable organic material originating from plants, animals, or microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

Subp. 2. Additional exclusions. Until the date on which biogenic carbon dioxide

emissions must be included under federal law in determining either the applicability of new source review/prevention of significant deterioration or part 70 requirements, biogenic carbon dioxide emissions are also excluded from:

A. emissions-increase calculations under parts 7007.0100, subpart 14, and 7007.1200, subpart 2 or 3;

B. recordkeeping for GHGs as CO₂e for stationary sources that are covered by general permits (part 7007.1100), registration permits (parts 7007.1110 to 7007.1130), and capped permits (parts 7007.1140 to 7007.1147); and

C. compliance reporting for registration permits under part 7019.3020, items B, C, and D, and for capped permits under part 7019.3020, item E.

7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE OPERATION DURING TRANSITION.

Subpart 1. **Transition applications under this part; deadline based on SIC code.** Initial permit applications under parts 7007.0100 to 7007.1850 for an emission unit, emission facility, or stationary source in operation on October 18, 1993, shall be considered timely if they meet the requirements of this part.

A. ~~An owner or operator~~ Owners and operators of an existing stationary source with a Standard Industrial Classification (SIC) Code number in the left column of the following table shall submit a permit application by the corresponding date in the right column:

Category	SIC Code Range	Application Deadline
A	0000 to 2399, excluding 1422, 1423, 1429, 1442, 1446, 2041, and 2048	January 15, 1995
B	2400 to 2999 and 4953, excluding 2951 and 2952	April 15, 1995

C 3000 to 4499

June 15, 1995

15.2 D 4500 to 5099, excluding 4953

September 15, 1995

15.3 E 5100 to 8199

December 15, 1995

15.4 F 8200 to 9999, including 1422, 1423, 1429,
15.5 1442, 1446, 2041, 2048, 2951, and 2952

February 15, 1996

15.6 [For text of items B to D, see M.R.]

15.7 E. The ~~owner or operator~~ owners and operators of a stationary source must
15.8 comply with the applicable deadline in this part, even though the stationary source may
15.9 be operating under a permit issued by the agency under parts 7001.1200 to 7001.1220
15.10 (the permit rules in effect before October 18, 1993), and the permit is not due to expire
15.11 until after the applicable deadline in this part. If a stationary source is operating under a
15.12 permit issued by the agency under parts 7001.1200 to 7001.1220, and the permit expires
15.13 after October 18, 1993, but before the applicable deadline, the ~~owner or operator~~ owners
15.14 and operators need not reapply before expiration of the permit, but shall comply with the
15.15 applicable deadline in this part.

15.16 F. Except as provided in subitems (1) and (2), the agency waives its authority to
15.17 take enforcement action against the owner or operator of a stationary source for failure to
15.18 obtain a permit authorizing operation under parts 7001.1200 to 7001.1220, if the ~~owner or~~
15.19 ~~operator files~~ owners and operators file a timely and complete permit application under
15.20 this part. This waiver does not apply to:

15.21 [For text of subitems (1) and (2), see M.R.]

15.22 [For text of subps 2 to 5, see M.R.]

15.23 **7007.0400 PERMIT REISSUANCE APPLICATIONS AFTER TRANSITION;**
15.24 **NEW SOURCE AND PERMIT AMENDMENT APPLICATIONS; TOTAL**

FACILITY APPLICATIONS FOR SOURCES NEWLY SUBJECT TO A PART 70 OR STATE PERMIT TOTAL FACILITY REQUIREMENT.

Subpart 1. **Requirement for application.** Applications for reissued permits after the transition period shall be considered timely if they meet the requirements of subpart 2. Applications for permits for new stationary sources or amendments shall be considered timely if they meet the requirements of subpart 3. An application for a total facility permit from owners and operators of a stationary source that, because of a modification or change at the stationary source, ~~becomes~~ become subject to the requirement to obtain a part 70 or state permit for the first time after the application deadline in part 7007.0350, subpart 1, and ~~which was~~ that were issued a permit for the installation and operation of the change or modification under part 7007.0750, subpart 5, shall be considered timely if it meets the requirements of subpart 4.

[For text of subp 2, see M.R.]

Subp. 3. **New permits and amendments to existing permits.** Owners ~~or~~ and operators seeking to obtain a new permit for a new stationary source or a permit amendment to an existing permit may submit the application at any time. It is recommended that the permit application for a new stationary source or an amendment be submitted at least 180 days before the planned date for beginning actual construction of the new stationary source or beginning actual construction of the modification of the existing stationary source, although the agency may take up to 18 months to take final action on the permit or major amendment under part 7007.0750, subpart 2. If the reason for the application for an amendment is the adoption of a new or amended federal applicable requirement, and the remaining life of the permit is three years or longer, the permittee shall file an application for an amendment within nine months of promulgation of the applicable requirement. The preceding sentence does not apply if the effective date of the requirement is later than the date on which the permit is due to expire.

Subp. 4. **Applications; newly subject to requirement to obtain part 70 or state total facility permit due to modification or change.** If a modification or change at ~~a~~ an existing, unpermitted stationary source would make the source subject for the first time to the requirement to obtain either a part 70 or state total facility permit after the application deadline in part 7007.0350, subpart 1, and the agency issues a permit authorizing installation or operation of the ~~change or~~ modification under part 7007.0750, subpart 5, the ~~owner or operator~~ owners and operators shall submit an application for a total facility permit:

A. within 180 days after commencing operation of the ~~change or~~ modification that triggered the permit requirement, if the ~~owner or operator is~~ owners and operators are applying for a state, registration, or general permit; or

B. within 365 days after commencing operation of the ~~change or~~ modification that triggered the permit requirement, if the ~~owner or operator is~~ owners and operators are applying for a part 70 permit.

Subp. 5. **Applications; newly subject to requirement to obtain part 70 or state total facility permit due to new regulations.** If a new regulation affecting a stationary source would make the source subject for the first time to the requirement to obtain a part 70 or state permit, the owners and operators shall submit an application for a total facility permit within 365 days of the effective date of the regulation.

7007.0500 CONTENT OF PERMIT APPLICATION.

[For text of subp 1, see M.R.]

Subp. 2. **Information included.** Applicants shall submit the following information as required by the standard application form:

[For text of items A and B, see M.R.]

C. The following emissions-related information:

[For text of subitems (1) to (3), see M.R.]

18.2 (4) The permit application shall specify the potential emissions, as
18.3 defined in part 7005.0100, subpart 35a, in tons per year from the stationary source as
18.4 a whole. These potential emissions shall be specified for each regulated air pollutant
18.5 and each hazardous air pollutant that is not yet a regulated air pollutant, as defined in
18.6 part 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely
18.7 under section 112(r) of the act need not be included and pollutants regulated solely under
18.8 section 602 of the act need not be included. Pollutants in part 7007.0325 are excluded
18.9 until they must be included under federal law. In addition, for each emissions unit subject
18.10 to an applicable requirement, the permit application shall specify, in tons per year, the
18.11 potential emissions of the same pollutants referenced in the previous sentence. If the
18.12 applicable requirement contains a standard reference test method which is to be used to
18.13 establish compliance, the permit application shall specify the potential emissions in the
18.14 same units as are used in the test method.

18.15 [For text of subitem (5), see M.R.]

18.16 (6) A permit application shall provide the information on actual emissions
18.17 for the preceding calendar year required in this subitem. Notwithstanding the previous
18.18 sentence, if actual emission data are not available for the preceding calendar year, the
18.19 application shall provide an estimate of actual annual emissions required in this subitem.

18.20 (a) The permittee shall provide actual emission rates, in tons per year,
18.21 of criteria pollutants and of greenhouse gases as CO₂e unless the permittee has submitted
18.22 an emissions inventory as required by parts 7019.3000 and 7019.3010.

18.23 [For text of unit (b), see M.R.]

18.24 [For text of subitems (7) to (11), see M.R.]

D. The following information regarding applicable requirements and test methods:

[For text of subitem (1), see M.R.]

(2) If the owners and operators of a stationary source ~~is~~ are required to test ~~its~~ the stationary source's emissions to determine compliance, a permit application must include either: a citation to a rule or regulation establishing the test method for measuring emissions or, if such a rule or regulation does not exist, a ~~permit application~~ must describe description of the method that the applicant believes is the appropriate method to measure emissions.

[For text of items E to N, see M.R.]

[For text of subps 3 to 5, see M.R.]

7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Modification (installation and operation) permits for stationary sources not previously required to obtain part 70 or state total facility permit.** The agency may issue permits authorizing a modification or change to a stationary source (an installation and operation permit) prior to issuance of an operating permit covering the entire stationary source (a total facility permit) if the agency finds:

A. ~~the stationary source has~~ owners and operators have filed a complete application for the proposed modification or change ~~and:~~

(1) ~~has filed a timely application for a total facility permit under part 7007.0350, subpart 1, or~~

(2) ~~was not subject to the requirement to file a permit application under the deadlines in part 7007.0350, subpart 1, because the change or modification will subject the stationary source for the first time to the requirement to obtain a part 70 or state permit;~~

20.2 B. the modification will subject the owners and operators of the stationary
20.3 source to the requirement to obtain a permit for the first time;

20.4 B C. the delay resulting from issuing the installation and operation permit and
20.5 the total facility permit at the same time would cause undue economic hardship on the
20.6 owners and operators of the stationary source; and

20.7 E D. the agency has sufficient information about the entire stationary source to
20.8 be able to comply with the requirements of part 7007.1000.

20.9 The requirements of parts 7007.0100 to 7007.1850 that apply to modifications to a
20.10 stationary source with a total facility permit shall also apply to modifications authorized
20.11 under this part. The owner or operator of a stationary source that obtains an installation
20.12 and operation permit for a modification under item A, ~~subitem (2)~~, shall lose ~~its~~ the right
20.13 to operate the stationary source if the ~~owner or operator fails~~ owners and operators fail to
20.14 submit an application for a total facility permit in the time required by part 7007.0400,
20.15 subpart 4, and shall be considered to be in violation of part 7007.0150, subpart 1.

20.16 [For text of subps 6 to 8, see M.R.]

20.17 **7007.0800 PERMIT CONTENT.**

20.18 [For text of subps 1 to 6, see M.R.]

20.19 Subp. 7. **Prohibition on exceedance of allowances.** For affected sources, the
20.20 agency shall include a permit condition prohibiting emissions exceeding any allowances
20.21 that the owners and operators of a stationary source lawfully ~~holds~~ hold under title IV of
20.22 the act or the regulations promulgated thereunder, except as follows:

20.23 [For text of item A, see M.R.]

20.24 B. No limit shall be placed on the number of allowances held by the owners and
operators of a stationary source. The owners and operators of a stationary source may

not, however, use allowances as a defense to noncompliance with any other applicable requirement.

C. Any such allowance shall be accounted for according to the procedures established in Code of Federal Regulations, title 40, part 73, as amended.

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Alternative scenarios.** Terms and conditions allowing for reasonably anticipated alternative operating scenarios identified by the stationary source in its application. Such terms and conditions shall:

A. require the owners or operators of the stationary source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which ~~it~~ the stationary source is operating; and

B. ensure that the operation under each such alternative scenario complies with all applicable requirements and the requirements of parts 7007.0100 to 7007.1850.

[For text of subps 12 to 16, see M.R.]

7007.0950 EPA REVIEW AND OBJECTION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Public petitions to administrator regarding part 70 permits.** If the administrator does not object in writing to a part 70 permit or a major amendment to a part 70 permit under subpart 2, any person may petition the administrator within 60 days after the expiration of the administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the part 70 permit or the amendment that were raised with reasonable specificity during the public comment period provided in part 7007.0850, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless grounds for such objection arose after such

period. If the administrator objects to the part 70 permit or the amendment as a result of a petition filed under this subpart prior to agency issuance, the agency shall not issue the permit or the amendment until the administrator's objection has been resolved. If the permit or the amendment was issued prior to the administrator's objection but after the end of the EPA's 45-day review period, the agency shall reopen or revoke the permit or the amendment under part 7007.1600 or 7007.1700 to satisfy the EPA's objection. Until amended or revoked, the permit shall remain in effect. In any case, the owners and operators of the stationary source will not be in violation of the requirement to have submitted a timely and complete application. The administrator may also amend, terminate, or revoke a part 70 permit under the administrator's authority under Code of Federal Regulations, title 40, section 70.8(d), as amended.

[For text of subp 4, see M.R.]

7007.1050 DURATION OF PERMITS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Expiring state, capped, and general permits.** The agency may elect to make state permits, capped permits, and general permits (except general permits that apply to stationary sources otherwise required to have a part 70 permit) expire five years or more after issuance if the permittee requests an expiring permit or if the agency determines that an expiring permit would significantly improve the likelihood of continuing compliance with applicable requirements and the terms of the permit. Grounds for such a determination include, but are not limited to, the following:

[For text of items A and B, see M.R.]

C. the owners and operators of the stationary source ~~is~~ are likely to make substantial changes within the next five years making ~~it~~ the stationary source subject to additional applicable requirements.

This subpart does not apply to any title I condition.

[For text of subps 6 and 7, see M.R.]

23.2 **7007.1100 GENERAL PERMITS.**

23.3 [For text of subp 1, see M.R.]

23.4 Subp. 2. **Public participation.** The agency shall follow the same public participation
23.5 procedures in part 7007.0850, subparts 2 and 3, for individual permits except as stated
23.6 otherwise in this subpart. The notice of the agency's intent to publish a general permit
23.7 need not be published in newspapers of general circulation but shall be published in
23.8 the State Register. The notice need not include any facility specific information. The
23.9 notice issued by the agency shall identify criteria for stationary sources that qualify for the
23.10 general permit and identify the geographic area in which it applies. If the general permit
23.11 is sector-based, the notice shall state whether the owners and operators of a stationary
23.12 source holding a registration permit issued under parts 7007.1110 to 7007.1130 or a
3 capped permit issued under parts 7007.1140 to 7007.1148 must apply for the sector-based
23.14 general permit. The agency need not comply with part 7007.0850, subpart 2, item A,
23.15 subitem (4), unless the stationary source category includes stationary sources subject to
23.16 the requirement to obtain part 70 permits.

23.17 [For text of subps 3 and 4, see M.R.]

23.18 Subp. 5. **Application.** Owners and operators of stationary sources that would qualify
23.19 for a general permit must apply to the agency for coverage under the terms of the general
23.20 permit or must apply for an individual permit consistent with part 7007.0500. If the owners
23.21 and operators of a stationary source ~~elects~~ elect to apply for coverage under the general
23.22 permit, ~~the stationary source~~ they must submit an application meeting the requirements of
23.23 parts 7007.0100 to 7007.1850, unless the agency states in the public notice of the general
23.24 permit that certain conditions do not apply. The application must include all information
5 necessary to determine qualification for, and to assure compliance with, the general permit.

Subp. 6. **Issuance of general permit to a stationary source.** The agency may issue a general permit to the owners and operators of a stationary source without repeating the notice and comment procedures required under part 7007.0850, subpart 2. However, the agency shall make available to the public upon request a list of facilities for which a general permit application has been received.

Subp. 7. **Permit shield.** Notwithstanding the permit shield provisions of part 7007.1800, the owners and operators of a stationary source that ~~obtains~~ obtain a general permit shall be subject to enforcement action for operation without a permit if the stationary source is later determined not to qualify for the conditions and terms of the general permit.

Subp. 8. **Change of name, ownership, or control of stationary source issued a general permit.**

A. Prior to a change of the name of the stationary source or any mailing address listed in the permit, the owners and operators must submit a request for change of the name or address on a form provided by the commissioner. The commissioner shall reissue the general permit to the owners and operators with the changed name or mailing address. Issuance of a general permit with a new name or mailing address voids and supersedes the previously issued general permit.

B. Prior to a change in the ownership or control of a stationary source issued a general permit under this part, the new owner or operator must submit a change of ownership request form provided by the commissioner. If the commissioner determines that the new ~~owner or operator meets~~ owners and operators meet the eligibility requirements of the general permit for general permit issuance, then the commissioner shall issue the general permit to the new ~~owner or operator~~ owners and operators. Issuance of a general permit to the new ~~owner or operator~~ owners and operators of an eligible stationary source voids and supersedes the general permit of the previous owner or

operator. If the commissioner determines the new ~~owner or operator does~~ owners and
25.2 operators do not meet the eligibility requirements, the new ~~owner or operator~~ owners and
25.3 operators shall submit a permit application for a registration, state, or part 70 permit within
25.4 120 days of the commissioner's written request for the application.

25.5 **7007.1105 ELIGIBILITY FOR ENVIRONMENTAL MANAGEMENT SYSTEM**
25.6 **(EMS) PROVISIONS IN STATE PERMITS.**

25.7 Subpart 1. **Eligibility for existing stationary sources.** If the commissioner
25.8 determines that ~~an owner or operator meets~~ the owners and operators meet the
25.9 requirements of items A and B, then the owners and operators of a stationary source
25.10 applying for and qualifying for a state permit with the EMS provisions described in part
25.11 7007.1107, subparts 2 and 3, may request inclusion of the EMS provisions in its permit.

25.12 A. The owner or operator has implemented an ISO 14001-registered EMS at the
25.13 stationary source, or has implemented an EMS conforming to the requirements of the ISO
25.14 14001 standard as determined by an EMS auditor.

25.15 B. The ~~owner or operator has~~ owners and operators have applied for a permit
25.16 to establish facility-wide emission limits for the following pollutants, if they are emitted
25.17 by the stationary source: NO_x, SO₂, PM, PM-10, CO, VOC, Pb, greenhouse gases, and
25.18 hazardous air pollutants. The commissioner may establish emission limits for other
25.19 regulated pollutants described under part 7007.0200, subpart 2, that are emitted by the
25.20 stationary source.

25.21 [For text of subp 2, see M.R.]

25.22 Subp. 3. **Transitional eligibility.** ~~An owner or operator~~ Owners and operators of a
25.23 stationary source that has not been constructed at the time of application may apply prior
25.24 to construction for a state permit that includes EMS provisions. ~~An owner or operator~~
25.25 Owners and operators of an existing stationary source that is applying for a new permit or
25.26 renewing an existing permit and ~~plans~~ plan to implement an eligible EMS after permit

application or issuance may also apply for a state permit that includes EMS provisions.

26.2 In either case, the ~~owner or operator~~ owners and operators must apply for a permit to
26.3 establish facility-wide emission limits for the following pollutants, if they are emitted
26.4 by the stationary source: NO_x, SO₂, PM, PM-10, CO, VOC, Pb, and hazardous air
26.5 pollutants. The commissioner may establish emission limits for other regulated pollutants
26.6 described under part 7007.0200, subpart 2, that are emitted by the stationary source.
26.7 During the transitional period, the time between initial startup of the new stationary
26.8 source and notification to the commissioner of its eligibility for the EMS provisions, or
26.9 the time between an existing stationary source's permit issuance and its notification to the
26.10 commissioner of its eligibility for the EMS provisions, the stationary source must comply
26.11 with the customary permit conditions included in the permit. To establish eligibility
26.12 for the EMS provisions after the transitional period, the stationary source must comply
26.13 with items A to C.

26.14 [For text of items A to C, see M.R.]

26.15 Subp. 4. **Grounds for loss of eligibility for EMS provisions.**

26.16 A. The stationary source is ineligible for the provisions described in part
26.17 7007.1107, subparts 2 and 3, if the stationary source no longer has an EMS as defined in
26.18 part 7007.0100, subpart 9b. The owner or operator shall notify the commissioner in writing
26.19 within seven working days upon learning that the stationary source no longer has an EMS
26.20 as defined in part 7007.0100, subpart 9b. The ~~owner or operator~~ owners and operators
26.21 shall immediately comply with the customary permit conditions included in the permit.

26.22 B. If a major nonconformance is discovered during an EMS audit, a follow-up
26.23 EMS audit must take place at the stationary source within six months of the date the
26.24 EMS auditor discovered the major nonconformance, but the scope of the follow-up EMS
26.25 audit may be limited to those owner or operator actions necessary to correct the major
26.26 nonconformance. The EMS auditor shall send the commissioner a summary of the results

of the audit discovering major nonconformance and the follow-up EMS audit within 45 days of their occurrence. The commissioner shall review the summaries of the EMS audit results and may determine the stationary source is no longer eligible for the EMS provisions if the EMS auditor found the same major nonconformance during the follow-up EMS audit. The ~~owner or operator~~ owners and operators shall comply with the customary permit conditions upon receipt of written notification from the commissioner that the EMS provisions are no longer effective.

[For text of item C, see M.R.]

[For text of subps 5 to 8, see M.R.]

7007.1107 APPLICATION AND PERMIT CONTENT RELATED TO INCLUSION OF EMS PROVISIONS IN STATE PERMITS.

Subpart 1. **Application content.** ~~An owner or operator~~ Owners and operators of a stationary source applying for inclusion of the EMS provisions in subparts 2 and 3 in a state permit must:

A. Submit an application meeting the requirements of parts 7007.0100 to 7007.1850. If the ~~owner or operator has~~ owners and operators have submitted a complete application for a state, part 70, capped, or general permit prior to the application deadline in part 7007.0350 or 7007.0400 and ~~is~~ are eligible for a state permit with EMS provisions, then ~~an owner or operator~~ owners and operators applying for inclusion of EMS provisions may supplement information in a previous application to meet the application content requirements listed in this subpart.

[For text of items B and C, see M.R.]

Subp. 2. **EMS provisions: flexibility in amendment, reporting, and calculation procedures.** If a stationary source meets the eligibility requirements in part 7007.1105, the agency shall include the conditions specified in this subpart in the stationary source's state permit.

[For text of items A and B, see M.R.]

28.2 C. An owner or operator shall comply with the requirements related to
28.3 calculation frequency in subitems (1) to (3).

28.4 (1) If the actual emissions of any pollutant listed in this subitem are less
28.5 than the "Eligibility Limit for Reduced Calculation" for that pollutant for the previous
28.6 calendar year, then the owner or operator may calculate and record actual emissions for
28.7 that pollutant on a calendar year basis. The owner or operator shall by January 30 of each
28.8 year calculate and record the sum of actual emissions for the previous calendar year. This
28.9 calculation must be made pursuant to the requirements of the permit. Unless otherwise
28.10 specified in the permit, this calculation must include all emissions units at the stationary
28.11 source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and
28.12 conditionally insignificant activities under chapter 7008. The following pollutants have
28.13 the listed "Eligibility Limit for Reduced Calculation":

28.14 [For text of units (a) to (g), see M.R.]

28.15 (h) CO, 25 tons/year; ~~and~~

28.16 (i) Pb, 0.050 tons/year; and

28.17 (j) CO₂e, 25,000 tons/year.

28.18 [For text of subitems (2) and (3), see M.R.]

28.19 [For text of subp 3, see M.R.]

28.20 **7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.**

28.21 Subpart 1. **Stationary sources that may obtain a registration permit.** Owners and
28.22 operators of a stationary source that qualifies for a registration permit under this part and
28.23 part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130
4 (Option D) may elect to apply to the commissioner for a registration permit instead of a
28.25 part 70, state, capped, or general permit, except as provided in subpart 2.

Subp. 2. Stationary sources that may not obtain a registration permit.

29.2 A. Owners and operators of a stationary source may not obtain a registration
29.3 permit if ~~it is~~ they are required to obtain a permit under parts 7007.0200, subpart 3 (acid
29.4 rain affected sources), 7007.0200, subpart 4 (solid waste incinerators, waste combustors),
29.5 7007.0200, subpart 5 (other part 70 sources), 7007.0250, subpart 3 (state implementation
29.6 plan required state permit), or 7007.0250, subpart 6 (waste combustors).

29.7 B. Owners and operators of a stationary source may not obtain a registration
29.8 permit if air quality specific conditions or limits not contained in parts 7007.1110 to
29.9 7007.1130 were assumed:

- 29.10 (1) as a mitigation measure in an environmental impact statement;
- 29.11 (2) in obtaining a negative declaration in an environmental assessment
29.12 worksheet; or
- 29.13 (3) in demonstrating compliance with any state or national ambient air
29.14 quality standard.

29.15 C. Owners and operators of a stationary source may not obtain a registration
29.16 permit if ~~it~~ the stationary source is subject to a new source performance standard
29.17 except when the stationary source is subject only to the notification and record-keeping
29.18 requirements of that standard, or when the standard is one of the following:

29.19 [For text of subitems (1) to (11), see M.R.]

29.20 (12) Code of Federal Regulations, title 40, part 60, subpart GG, Standards
29.21 of Performance for Stationary Gas Turbines (incorporated by reference in part 7011.2350);
29.22 ~~and~~

29.23 (13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards
29.24 of Performance for Stationary Compression Ignition Internal Combustion Engines

(incorporated by reference in part ~~7011.3520~~ 7011.2305), but only if the compression
ignition internal combustion engine has a displacement less than 30 liters per cylinder; and

(14) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards
of Performance for Stationary Spark Ignition Internal Combustion Engines (incorporated
by reference in part 7011.2310).

Subp. 2b. **Additional limitations on stationary source eligibility for a registration
permit.** A stationary source may not obtain an option B, C, or D registration permit if:

A. the source qualifies for a sector-based state general permit available under
part 7007.1100, unless specifically allowed under the general permit; or

B. the commissioner determines that site-specific permit requirements are
needed to ensure compliance with applicable requirements or to protect human health
or the environment.

~~Any owner or operator~~ Owners and operators of a stationary source that ~~holds~~ hold a
registration permit and ~~is~~ are eligible for a sector-based general permit that is available
on or before January 1, 2007, shall apply for the general permit on or before December
31, 2008.

Subp. 3. **Registration permit application.** Items A to D apply to registration permit
applications submitted under parts 7007.1110 to 7007.1130.

A. ~~The owner or operator~~ owners and operators of a stationary source must
apply for a registration permit prior to the applicable deadline in parts 7007.0350 and
7007.0400. If the ~~owner or operator has~~ owners and operators have submitted a complete
application for a state, part 70, or general permit prior to the application deadline in part
7007.0350 or 7007.0400 and ~~is~~ are eligible for a registration permit, then the ~~owner or
operator~~ owners and operators may apply for a registration permit and shall request to
have the original application voided.

B. The ~~owner or operator~~ owners and operators of a stationary source must submit the registration permit application on a standard application form provided by the commissioner. The commissioner may create different application forms for the different registration permit options available under parts 7007.1115 to 7007.1130.

[For text of items C and D, see M.R.]

[For text of subp 4, see M.R.]

Subp. 5. **Registration permit issuance, denial, and revocation.** The commissioner shall issue a registration permit to the ~~owner or operator~~ owners and operators of a stationary source if the ~~owner or operator has~~ owners and operators have submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, subparts 1, item H, and 2, items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

[For text of subps 6 to 10, see M.R.]

Subp. 11. **Change rendering stationary source ineligible for a registration permit or that changes the applicable registration permit option.** If the owner or operator makes a change at a stationary source issued a registration permit which increases emissions, including a change described in subpart 10, and results in the stationary source

no longer being able to qualify for or meet the requirements for its registration permit,
and the change is not a modification, as defined in part 7007.0100, subpart 14, then the
~~owner or operator~~ owners and operators must:

A. within 30 days of making the change, submit a written notification to the
commissioner that includes a description of the change, and a statement of what type of
permit application the owner or operator will submit; and

B. if the change results in the requirement for the submittal of a registration
permit application under a different option, then the registration permit application shall
be submitted with the 30-day notice required under item A, or within 180 days of making
the change, submit the required part 70, state, or general permit application.

If the ~~owner or operator fails~~ owners and operators fail to submit the required permit
application in the time required by this subpart, the ~~owner or operator shall~~ owners and
operators lose ~~its~~ their right to operate the stationary source and shall be considered
to be in violation of part 7007.0150, subpart 1. Once a stationary source has made a
change rendering it ineligible for all registration permit options under parts 7007.1110 to
7007.1130, the stationary source may only become eligible for a registration permit again
if it meets the requirements of subpart 14.

**Subp. 11a. Regulatory change rendering stationary source ineligible for
registration permit or changing applicable registration permit option.**

A. If a stationary source covered by a registration permit becomes subject
to a new regulatory requirement that results in the stationary source no longer being
able to qualify for or meet the requirements for the current registration permit, then the
owner or operator must:

(1) within 30 days of the effective date of the regulation:

33.2 (a) submit a written notification to the commissioner that includes a
33.3 description of the regulatory change and a statement of what type of permit application
33.4 the owners and operators will submit; and

33.5 (b) if the stationary source is eligible for a different registration permit
33.6 option, submit an application for another registration permit option category; and

33.7 (2) if the stationary source is not eligible for any registration permit option,
33.8 submit an application for a part 70, state, or general permit application within 180 days of
33.9 the effective date of the regulatory change.

33.10 B. Once a stationary source has made a change rendering it ineligible for all
33.11 registration permit options under parts 7007.1110 to 7007.1130, the stationary source
33.12 may become eligible for a registration permit again only if it meets the requirements
33.13 of subpart 14.

3 C. If the owner or operator fails to submit the required permit application in
33.14 the time required by this subpart, the owner or operator is considered to not hold a valid
33.15 permit and is in violation of part 7007.0150, subpart 1. The owner or operator must
33.16 submit the required permit application for the appropriate air emission permit within
33.17 the time limits given in item A.

33.18 **Subp. 12. Modification rendering stationary source ineligible for its current**
33.19 **registration permit option.** Items A to C apply to the owner or operator of a stationary
33.20 source that has been issued a registration permit and that wants to make a modification
33.21 which results in the stationary source no longer being able to meet the requirements for
33.22 the registration permit option for which it was issued a registration permit, but which will
33.23 result in the stationary source being eligible for another registration permit option.

33.24 **A. ~~The owner or operator~~ owners and operators must submit the required permit**
5 **application to the commissioner before beginning actual construction on the modification.**

B. The ~~owner or operator~~ owners and operators may begin actual construction on and start-up of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the ~~owner or operator~~ owners and operators must comply with the requirements of the registration permit option for which the ~~owner or operator~~ owners and operators applied, and all applicable requirements. During this time period, the ~~owner or operator~~ owners and operators need not comply with the registration permit requirements specific to the option under which the ~~owner or operator~~ owners and operators currently ~~holds~~ hold a registration permit.

Subp. 13. **Modification rendering stationary source ineligible for a registration permit.** The ~~owner or operator~~ owners and operators of a stationary source that has been issued a registration permit must submit a part 70, state, or general permit application before making a modification which results in the stationary source no longer qualifying for any registration permit option under parts 7007.1110 to 7007.1130. The owner or operator may not begin actual construction on the modification until the required part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a modification rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 14. **Addition of control equipment, removal of emission units, or pollution prevention practices which result in or reinstate registration permit eligibility.** If through the addition of listed control equipment, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source qualifies for or reinstates eligibility for a registration permit under parts 7007.1110 to 7007.1130, the ~~owner or operator~~ owners and operators may apply for a registration permit. If the

stationary source qualifies for or reinstates eligibility for a registration permit due to
35.2 implementation of pollution prevention practices, the owner or operator shall submit a
35.3 description of the pollution prevention practices with the registration permit application
35.4 for the commissioner's review and approval. For purposes of this subpart, "pollution
35.5 prevention practices" means eliminating or reducing the quantity or toxicity of regulated
35.6 air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or
35.7 emitted from the stationary source. Emission reductions are not reductions if the decrease
35.8 is solely the result of a decrease in production at the stationary source.

35.9 **Subp. 15. Change of name, ownership, or control of stationary source issued a**
35.10 **registration permit.**

35.11 A. Prior to a change of the name of the stationary source or any mailing address
35.12 listed in the permit, the owners and operators must submit a request for change of the
35.13 name or address on a form provided by the commissioner. The commissioner shall reissue
35.14 the registration permit to the owners and operators with the changed name or mailing
35.15 address. Issuance of a registration permit with a new name or mailing address voids and
35.16 supersedes the previously issued registration permit.

35.17 B. Prior to a change in the ownership or control of a stationary source issued
35.18 a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator
35.19 must submit a change of ownership request form provided by the commissioner. If the
35.20 commissioner determines that the new owner or operator meets the requirements of parts
35.21 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall
35.22 issue the registration permit to the new owner or operator. Issuance of a registration
35.23 permit to the new owner or operator of an eligible stationary source voids and supersedes
35.24 the registration permit of the previous owner or operator.

35.25 [For text of subp 15a, see M.R.]

Subp. 16. **Agency request for a different type of permit application.** The

~~owner or operator~~ owners and operators shall submit an application for a part 70, state, capped, or general permit, or a different registration permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

[For text of items A to G, see M.R.]

[For text of subps 17 to 22, see M.R.]

7007.1115 REGISTRATION PERMIT OPTION A.

Subpart 1. **Eligibility.** The ~~owner or operator~~ owners and operators of a stationary source may apply for a registration permit under this part if the stationary source is required to obtain a permit solely because it is subject to a new source performance standard listed in part 7007.1110, subpart 2, item C, and the owner or operator does not anticipate making changes in the next year which will cause the stationary source to require a permit for other reasons. Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, and conditionally insignificant activities, are not considered in the eligibility determination under this subpart.

Subp. 2. **Application content.** An application for a registration permit under this part must contain the following:

A. information identifying the stationary source and its ~~owner or~~ owners and operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

[For text of items B and C, see M.R.]

Subp. 3. **Compliance requirements.** The ~~owner or operator~~ owners and operators of a stationary source issued a registration permit under this part must:

A. meet the eligibility requirements of subpart 1 at all times;

37.2 B. comply with part 7007.1110; and

37.3 C. comply with all applicable requirements, including new source performance
37.4 standards.

37.5 **7007.1120 REGISTRATION PERMIT OPTION B.**

37.6 Subpart 1. **Eligibility.** The ~~owner or operator~~ owners and operators of a stationary
37.7 source may apply for a registration permit under this part if:

37.8 [For text of items A to C, see M.R.]

37.9 Subp. 2. **Application content.** An application for a registration permit under this
37.10 part must contain the following:

37.11 A. information identifying the stationary source and its owners ~~or~~ and operators,
2 including company name and address (plant name and address if different from the
37.13 company name), owner's name and agent, and contact telephone numbers, including names
37.14 of plant site manager or contact, and the person preparing the application if different;

37.15 [For text of items B to E, see M.R.]

37.16 [For text of subps 3 and 4, see M.R.]

37.17 **7007.1125 REGISTRATION PERMIT OPTION C.**

37.18 Subpart 1. **Eligibility.** The ~~owner or operator~~ owners and operators of a stationary
37.19 source may apply for a registration permit under this part if the stationary source consists
37.20 of only indirect heating units (boilers), reciprocating internal combustion engines, and/or
37.21 emissions from use of VOC-containing materials, and meets the following criteria:

37.22 [For text of items A to E, see M.R.]

3 F. the 12-month rolling sum of calculations determined under calculations 1,
37.24 2A, 2B, and 3 in subpart 4 is less than 50; ~~and~~

G. the owner or operator does not anticipate making changes in the next 12 months which will cause the stationary source to be ineligible for this type of registration permit under items A to F: and H; and

H. the stationary source does not use or generate nitrous oxide, other than from combustion units, and does not use or generate hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

Subp. 2. **Application content.** An application for a registration permit under this part must contain the following:

A. information identifying the stationary source and its owners ~~or~~ and operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code;

C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item C, with the applicable portions of the standards highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner, for each affected facility as defined in Code of Federal Regulations, title 40, section 60.2;

D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or the use of VOC-containing materials, on the purchase or use of fuels, and on hours of operation; and

E. the calculations required by subpart 4. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials, amount of fuels burned, and hours of operation on a 12-month rolling sum basis during

normal operation in performing the calculations required in subpart 4. If the stationary source has been operated less than 12 months on the date of application under this part, the owner or operator shall perform the calculation in subpart 4 by calculating gallons of VOC-containing materials purchased or used, amount of fuels purchased or used, or hours of operation by multiplying by 12 the larger of the following:

(1) the average monthly gallons of VOC-containing materials purchased or used, amount of fuel purchased or used, or hours of operation;

(2) calculating an estimated monthly average for normal operations.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, and conditionally insignificant activities, are not required to be included in the application.

Subp. 3. **Compliance requirements for Option C sources.** Unless a stationary source is eligible under subpart 3a, the ~~owner or operator~~ owners and operators of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to ~~J~~ K.

[For text of items A to J, see M.R.]

K. If the registration permit was issued before January 2, 2011, the owner or operator must begin record keeping for greenhouse gases as CO₂e on January 2, 2011, for example, tracking whether any insignificant activities no longer qualify as such.

[For text of subps 3a to 5, see M.R.]

7007.1130 REGISTRATION PERMIT OPTION D.

Subpart 1. **Eligibility.** The ~~owner or operator~~ owners and operators of a stationary source may apply for a registration permit under this part if the stationary source meets the following criteria:

[For text of items A to C, see M.R.]

Subp. 2. **Application content.** An application for a registration permit under this part must contain all of the following requirements:

A. information identifying the stationary source and its owners ~~or~~ and operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

[For text of items B to G, see M.R.]

Subp. 3. **Compliance requirements for Option D sources.** Unless a stationary source is eligible under subpart 3a, the owner or operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to ~~E~~ N.

[For text of item A, see M.R.]

B. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

(1) record by the last day of each month the amount of each fuel purchased or used (whichever was stated in the permit application) for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself. This calculation must also include greenhouse gases as CO₂e effective January 2, 2011.

[For text of items C to L, see M.R.]

M. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating actual emissions as CO₂e of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) record, by the last day of each month, the amount purchased or used (whichever was stated in the permit application) of each material containing hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride and the mass content of these pollutants for the previous calendar month;

(2) maintain a record of the material safety data sheet (MSDS) or a signed statement from the supplier stating the maximum content of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride in each material containing hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride purchased or used (whichever was stated in the permit application);

(3) calculate and record, by the last day of each month, the 12-month rolling sum of actual emissions as CO₂e of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride purchased or used (whichever was stated in the permit application) for the previous 12 months, the date the calculation was made, and the calculation itself; and

(4) if the owner or operator assumes a reduction of emissions in using the material balance method under subpart 4, item D, due to recycling or disposal of material off-site, keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Acceptable records include monitoring records, material safety data sheets, invoices, shipping papers, and hazardous waste manifests.

N. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating actual emissions as CO₂e of carbon dioxide, nitrous oxide, or methane resulting from a chemical process such as fermentation, wastewater treatment, or decomposition, the owner or operator must:

(1) record, by the last day of each month, the amount of carbon dioxide, nitrous oxide, or methane generated by the chemical processes for the previous calendar month;

(2) calculate and record, by the last day of each month, the 12-month rolling sum of actual emissions as CO₂e of carbon dioxide, nitrous oxide, or methane for the previous 12 months, the date the calculation was made, and the calculation itself; and

(3) if the owner or operator assumes a reduction of emissions in using the material balance method under subpart 4, item D, due to the collection and reuse, recycling, or disposal of carbon dioxide, nitrous oxide, or methane on-or off-site, keep records of the amount of carbon dioxide, nitrous oxide, or methane used or shipped off-site and the calculations done to determine the amount to subtract. Acceptable records include monitoring records, invoices, shipping papers, operating data for air pollution control equipment, or process equipment.

Subp. 3a. **Compliance requirements for low-emitting Option D sources.** If the actual emissions for the previous calendar year of each pollutant are less than the emission eligibility limits for each pollutant listed in Table 3A, then the owner or operator shall comply with all of the requirements in items A to H.

A. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating greenhouse gases (GHGs) as CO₂e, VOC₂ and HAP actual emissions from GHGs-containing, VOC-containing, or HAP-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) maintain records of the amount of each GHGs-containing, VOC-containing, or HAP-containing material purchased or used (whichever was stated in the permit application), and the GHGs or VOC content each calendar year;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum GHGs, VOC_2 or HAP content, for each GHGs-containing, VOC-containing, or HAP-containing material purchased or used (whichever was stated in the permit application); and

(3) calculate and record, by April 1 of each calendar year, the sum of actual GHGs emissions as CO_2e , VOC emissions, and hazardous air emissions from GHGs-containing, VOC-containing, and HAP-containing materials purchased or used (whichever was stated in the permit application), and the calculation itself for the previous calendar year.

A stationary source in which the only HAP emissions are VOC emissions and that has actual VOC emissions less than five tons per year is not required to maintain records and perform the calculations of HAP emissions under subitems (1) to (3).

[For text of items B to E, see M.R.]

F. ~~The owner or operator~~ owners and operators must comply with subpart 3, items F and H to J.

TABLE 3A
OPTION D EMISSION ELIGIBILITY LIMITS FOR
REDUCED RECORD KEEPING

POLLUTANT	ELIGIBILITY LIMIT FOR REDUCED RECORD KEEPING
HAP	2.5 tons/year for a single HAP 6.25 tons/year total for all HAPs
PM	25 tons/year
PM-10	25 tons/year for an Attainment Area 0 tons/year for a Nonattainment Area
VOC	25 tons/year
SO_2	25 tons/year
NO_x	25 tons/year

CO 25 tons/year

44.2 Pb 0.05 tons/year

44.3 CO₂e 25,000 tons/year

44.4 [For text of item G, see M.R.]

44.5 H. If the stationary source determined eligibility in the permit application, in
44.6 whole or in part, by using hours of operation in the calculations in subpart 4, the owner or
44.7 operator must:

44.8 (1) maintain records of the number of hours operated for each emissions
44.9 unit, rounded to the nearest hour for each calendar year; and

44.10 (2) calculate and record by April 1 of each calendar year the sum of
44.11 emissions and the calculation itself for the previous calendar year.

TABLE 3A

~~OPTION D EMISSION ELIGIBILITY LIMITS FOR REDUCED RECORD KEEPING~~

44.15 POLLUTANT	ELIGIBILITY LIMIT FOR REDUCED RECORD KEEPING
44.16 HAP	2.5 tons/year for a single HAP
44.17	6.25 tons/year total for all HAPs
44.18 PM	25 tons/year
44.19 PM-10	25 tons/year for an Attainment Area
44.20	0 tons/year for a Nonattainment Area
44.21 VOC	25 tons/year
44.22 SO ₂	25 tons/year
44.23 NO _x	25 tons/year
44.24 CO	25 tons/year
44.25 Pb	0.05 tons/year

44.26 Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary
44.27 source may use a calculation worksheet provided by the commissioner for calculating

actual emissions under this part, or may use the calculation methods under items A to E.

45.2 The owner or operator must calculate actual emissions for each emissions unit, except that
45.3 similar emissions units may be aggregated for emission calculation purposes. The owner
45.4 or operator of a stationary source shall use the calculation method in item B instead of the
45.5 calculation method in item A if the data described in item B are available for the stationary
45.6 source. The alternative methods described in items C, D, and E may be used by the owner
45.7 or operator without advance notification to the commissioner. The commissioner shall
45.8 reject data submitted using the methods described in items B to E if the conditions set
45.9 forth for the method are not fully met. To prevent double counting of emissions, the ~~owner~~
45.10 ~~or operator~~ owners and operators must select one calculation method under this subpart
45.11 for each emissions unit at the stationary source. Fugitive dust emissions must be included
45.12 in the calculations under this subpart only if the stationary source is in a category listed in
45.13 part 7007.0200, subpart 2, item B, subitems (1) to (27).

45.14 [For text of items A to C, see M.R.]

45.15 D. A material balance method may be used to calculate greenhouse gases as
45.16 CO₂e and VOC actual emissions. The owner or operator of a stationary source that uses
45.17 material balance to calculate greenhouse gases as CO₂e and VOC actual emissions shall
45.18 determine total greenhouse gases as CO₂e and VOC actual emissions (E) using the
45.19 following equation: in this item. A separate calculation must be made for each individual
45.20 gas comprising the pollutant greenhouse gases and the results converted to CO₂e. The
45.21 amount of CO₂e from each individual gas comprising the pollutant greenhouse gases must
45.22 be added together for the total tons per year of CO₂e.

45.23 $E = (a - b - c) \times (1 - d)$, where

45.24 a = the amount of VOC or each individual gas comprising the pollutant greenhouse
45.25 gases entering the process or the amount of carbon dioxide, nitrous oxide, or methane
6 generated. A signed statement from the supplier or the material safety data sheet must be

submitted stating the maximum amount of VOC or each individual gas comprising the pollutant greenhouse gases in any material that was used in the process.

b = the amount of VOC or each individual gas comprising the pollutant greenhouse gases incorporated permanently into the product. This includes VOCs or each individual gas comprising the pollutant greenhouse gases chemically transformed in production. It does not include latent VOC or each individual gas comprising the pollutant greenhouse gases remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC or each individual gas comprising the pollutant greenhouse gases, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the control efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

[For text of item E, see M.R.]

Subp. 5. **Emissions thresholds.** The owner or operator must calculate actual emissions for the stationary source using the calculations under subpart 4 and the calculated 12-month rolling sum of actual emissions must be less than or equal to the thresholds listed in Table 3.

TABLE 3

OPTION D EMISSIONS THRESHOLDS

POLLUTANT	THRESHOLD (ton/year)
HAP	5 tons/year for a single HAP
	12.5 tons/year total for all HAPs
PM	50 tons/year
PM-10	50 tons/year for an Attainment Area
	25 tons/year for a Nonattainment Area
VOC	50 tons/year

	SO ₂	50 tons/year
47.2	NO _x	50 tons/year
47.3	CO	50 tons/year
47.4	Pb	0.5 tons/year
47.5	<u>CO₂e</u>	<u>50,000 tons/year</u>

47.6 [For text of subp 6, see M.R.]

47.7 **7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.**

47.8 Subpart 1. **Sources that may obtain a capped permit.** Owners and operators of a
47.9 stationary source that qualifies for capped permit option 1 under part 7007.1141, subpart
47.10 1, or capped permit option 2 under part 7007.1141, subpart 2, may elect to apply to the
47.11 commissioner for a capped permit instead of a part 70, state, registration, or general
47.12 permit, except as provided in item B. ~~The owner or operator~~ owners and operators of a
3 stationary source may apply for a capped permit under this part if the stationary source
47.14 meets the following criteria:

47.15 A. ~~An owner or operator applies~~ The owners and operators apply for capped
47.16 permit option 1 or capped permit option 2 and ~~meets~~ meet the requirements of subitems
47.17 (1) or (2).

47.18 [For text of subitems (1) and (2), see M.R.]

47.19 [For text of items B to D, see M.R.]

47.20 Subp. 2. **Sources that may not obtain a capped permit.**

47.21 A. Owners and operators of a stationary source may not obtain a capped permit
47.22 if ~~it is~~ they are required to obtain a permit under parts 7007.0200, subpart 3, acid rain
47.23 affected sources; 7007.0200, subpart 4, solid waste incinerators and waste combustors;
47.24 7007.0200, subpart 5, other part 70 sources; 7007.0250, subpart 3, state implementation
47.25 plan required state permit; or 7007.0250, subpart 6, waste combustors.

[For text of items B to D, see M.R.]

48.2 E. No stationary source may obtain a capped permit if it is subject to a new
48.3 source performance standard other than one of the following:

48.4 [For text of subitems (1) to (11), see M.R.]

48.5 (12) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards
48.6 of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines,
48.7 incorporated by reference in part 7011.2580; ~~and~~

48.8 (13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards
48.9 of Performance for Stationary Compression Ignition Internal Combustion Engines,
48.10 incorporated by reference in part ~~7011.3520~~ 7011.2305, but only if the compression
48.11 ignition internal combustion engine has a displacement less than 30 liters per cylinder or is
48.12 an emergency engine with a displacement greater than 30 liters per cylinder; and

48.13 (14) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards
48.14 of Performance for Stationary Spark Ignition Internal Combustion Engines, incorporated
48.15 by reference in part 7011.2310.

48.16 **7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.**

48.17 Subpart 1. **Option 1 emission thresholds.**

48.18 [For text of items A to F, see M.R.]

48.19 G. CO, 90 tons per year; ~~and~~

48.20 H. Pb, 0.50 tons per year; and

48.21 I. CO₂e, 90,000 tons per year.

48.22 Subp. 2. **Option 2 emission thresholds.**

48.23 [For text of items A to F, see M.R.]

48.24 G. CO, 85 tons per year; ~~and~~

H. Pb, 0.50 tons per year; and

I. CO₂e, 85,000 tons per year.

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

Subpart 1. **Capped permit issuance, denial, and revocation.** The commissioner shall issue a capped permit to the ~~owner or operator~~ owners and operators of a stationary source if the ~~owner or operator has~~ owners and operators have submitted a complete application for a capped permit, the commissioner determines that the stationary source qualifies for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the capped permit. The commissioner shall deny an application for a capped permit if the commissioner determines that the stationary source does not qualify for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted or that the stationary source will not be able to comply with the capped permit. The grounds for permit denial in parts 7007.1000, subpart 1, item H, and part 7007.1000, subpart 2, items B to G, also constitute grounds for the commissioner to deny a capped permit application. The commissioner may revoke a capped permit, if the commissioner finds that any of the grounds under subpart 6 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 2. **Changes or modifications rendering stationary source ineligible for its current capped permit option.** If the owner or operator intends to make a change or modification at a stationary source issued a capped permit which results in the stationary source becoming ineligible for that permit option or being unable to meet the requirements for that permit option, but which will result in the stationary source being eligible for the other capped permit option, then the owner or operator must comply with items A to C.

A. The ~~owner or operator~~ owners and operators must submit the required permit application to the commissioner before making the change or beginning actual

construction on the modification. The public participation process in part 7007.1144 does not apply to applications in which a stationary source is transferring from one capped permit option to another.

B. The owner or operator may make the change or begin actual construction on and start-up of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the owner or operator must comply with the requirements of the capped permit option for which the ~~owner or operator~~ owners and operators applied, and all applicable requirements. During this time period, the owner or operator need not comply with the capped permit requirements specific to the option under which the ~~owner or operator~~ owners and operators currently ~~holds~~ hold a capped permit.

Subp. 3. **Changes or modifications rendering stationary source ineligible for either capped permit option.** The ~~owner or operator~~ owners and operators of a stationary source that has been issued a capped permit must submit a registration, part 70, state, or general permit application before making a change or modification which results in the stationary source no longer qualifying for either capped permit option under parts 7007.1140 to 7007.1148. The owner or operator may not begin actual construction on the modification until the required registration, part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a change or modification rendering it ineligible for either capped permit option under parts 7007.1140 to 7007.1148, the stationary source may only become eligible for a capped permit again if it meets the requirements of subpart 4.

Subp. 3a. Regulatory change rendering stationary source ineligible for capped permit.

51.1 A. If a stationary source covered by a capped permit becomes subject to a new
51.2 regulatory requirement that results in the stationary source no longer being able to qualify
51.3 for or meet the requirements for the current permit, then the owners and operators must:

51.4 (1) submit a written notification to the commissioner within 30 days of the
51.5 effective date of a new regulation that results in the stationary source no longer being able
51.6 to qualify for or meet the requirements for the capped permit. The notification must
51.7 include a description of the regulatory change and a statement of what type of permit
51.8 application the owners and operators will submit; and

51.9 (2) submit either a part 70, state, or general permit application within 180
51.10 days of the effective date of the regulatory change.

51.11 B. The owners and operators must submit the required permit application for
51.12 the appropriate air emission permit within the time limits given in item A. If the owners
51.13 and operators fail to submit the required permit application in the time required, the
51.14 owners and operators are considered to not hold a valid permit and are in violation of
51.15 part 7007.0150, subpart 1.

51.16 **Subp. 4. Reinstatement of eligibility for capped permit through addition of**
51.17 **air pollution control equipment, removal of emission units, or implementation of**
51.18 **pollution prevention practices.** If through the addition of listed control equipment as
51.19 defined in part 7011.0060, permanent removal of emissions units, or implementation of
51.20 pollution prevention practices the stationary source reinstates eligibility for a capped
51.21 permit under parts 7007.1140 to 7007.1148, ~~the owner or operator~~ owners and operators
51.22 may reapply for a capped permit. If the stationary source reinstates eligibility for a capped
51.23 permit due to implementation of pollution prevention practices, the owner or operator
51.24 shall submit a description of the pollution prevention practices with the capped permit
51.25 application for the commissioner's review and approval. For purposes of this subpart,
51.26 "pollution prevention practices" means eliminating or reducing at the source the quantity

or toxicity of regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

Subp. 5. Change of name, ownership, or control of stationary source issued a capped permit.

A. Prior to a change of the name of the stationary source or any mailing address listed in the permit, the ~~owner or operator~~ owners and operators must submit a request for change of the name or address on a form provided by the commissioner. The commissioner shall reissue the capped permit to the ~~owner or operator~~ owners and operators with the changed name or mailing address. Issuance of a capped permit with a new name or mailing address voids and supersedes the previously issued capped permit.

B. Prior to a change in the ownership or control of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148, the new ~~owner or operator~~ owners and operators must submit a request for change of the owner or operator on a form provided by the commissioner. If the commissioner determines that the new ~~owner or operator~~ owners and operators meet the requirements of parts 7007.1140 to 7007.1148 for capped permit issuance, then the commissioner shall issue the capped permit to the new ~~owner or operator~~ owners and operators. Issuance of a capped permit to the new ~~owner or operator~~ owners and operators of an eligible stationary source voids and supersedes the capped permit of the previous ~~owner or operator~~ owners and operators.

Public participation procedures in part 7007.1144 do not apply to the issuance of a capped permit for a change of stationary source name, mailing address, ownership, or control.

Subp. 6. Agency request for different type of permit application. The ~~owner or operator~~ owners and operators shall submit an application for a part 70, state, or general

permit, or a different capped permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

[For text of items A to G, see M.R.]

[For text of subp 7, see M.R.]

7007.1145 CAPPED PERMIT APPLICATION.

Subpart 1. **Application procedures and request for additional information.** Items A to C apply to capped permit applications submitted under parts 7007.1140 to 7007.1148.

A. The ~~owner or operator~~ owners and operators of a stationary source must submit an application for a capped permit on a current standard application form provided by the commissioner. The ~~owner or operator~~ owners and operators may supplement information in a previous application to meet the application content requirements in subpart 2. The commissioner may create different application forms for the two capped permit options available under parts 7007.1140 to 7007.1148.

[For text of items B and C, see M.R.]

Subp. 2. **Information included.** This subpart describes the standard information that will be required in a capped permit application. It does not limit the agency's statutory authority for requiring information in addition to that which is specifically listed. Applicants shall submit the following information as required by the standard application form:

A. The ~~owner or operator~~ owners and operators shall specify whether they are applying for capped permit option 1 or 2 under part 7007.1141 at the time of application.

B. Information identifying the stationary source and its ~~or~~ and operators, including company name and address, plant name and address if different from the company name, owner's name and agent, and contact telephone numbers and electronic

mail address, including the name of a plant site manager or contact, and the person preparing the application if different.

[For text of items C to G, see M.R.]

[For text of subp 3, see M.R.]

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS.

[For text of subp 1, see M.R.]

Subp. 2. **Record keeping requirements.** The ~~owner or operator~~ owners and operators of a stationary source issued a capped permit shall comply with all of the requirements relevant to the stationary source in items A to G. The ~~owner or operator~~ owners and operators of a stationary source issued a capped permit shall comply with items H and I at all times.

A. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using a material balance that relies on the content of materials in the calculations in part 7007.1147, the owner or operator must:

(1) record, by the last day of each month, the amount of each pollutant-containing material (for example: VOC, greenhouse gases, particulate matter of solids, or HAP) purchased or used, and the relevant pollutant content for the previous calendar month;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum solids, VOC, greenhouse gases, or hazardous air pollutant content, for each pollutant-containing material purchased or used;

[For text of subitems (3) and (4), see M.R.]

[For text of items B to E, see M.R.]

F. If the stationary source qualified in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using control equipment efficiencies for listed control equipment determined under part 7011.0070, the ~~owner or operator~~ owners and operators shall comply with parts 7011.0060 to 7011.0080, except that the ~~owner or operator~~ owners and operators of a hot mix asphalt plant shall comply instead with part 7011.0917. If the calculations required by part 7007.1147 used control equipment efficiencies based on an alternative control efficiency under part 7011.0070, subpart 2, the ~~owner or operator~~ owners and operators shall also operate within the monitoring and operating parameters of the performance test that established the alternative control efficiency.

[For text of items G and H, see M.R.]

I. The owner or operator of a stationary source with a capped permit must keep daily operating records that would allow the owner or operator to calculate actual emissions of any pollutant for which a threshold has been established under part 7007.1141 for that period of time not previously accounted for in the 12-month rolling sum calculation required under item H. The owner or operator shall provide these records and calculations if requested to do so by the commissioner. If the capped permit was issued by January 2, 2011, the owner or operator must begin record keeping for greenhouse gases on January 2, 2011.

[For text of subps 3 to 5, see M.R.]

7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

[For text of items A to D, see M.R.]

E. If a modification or other change at a stationary source would make the source subject for the first time to the requirement to obtain a state permit or a part 70 permit, the ~~owner or operator~~ owners and operators shall obtain the appropriate permit before beginning actual construction of the modification or other change, notwithstanding

parts 7007.1250 to 7007.1500. Nothing in this item shall be read to limit the agency's ability to issue permits authorizing installation and operation of a modification under part 7007.0750, subpart 5, or to limit a permittee's ability to obtain a major permit amendment restricting emissions to levels that would prevent the source from becoming subject to the requirement to obtain a part 70 permit.

F. The ~~owner or operator~~ owners and operators of a stationary source that ~~is~~ are required to have a permit under parts 7007.0050 to 7007.1850, and that have submitted a timely application as required under part 7007.0350, subpart 1, or 7007.0400, subpart 4 or 5, but ~~which does~~ do not yet have a permit, may make changes and modifications at the stationary source in compliance with parts 7007.1150 to 7007.1500, notwithstanding any reference to a permit in those parts. Any requirement for such a permittee to obtain an amendment under parts 7007.1150 to 7007.1500 shall be read as a requirement for ~~an~~ owners and operators to obtain a permit from the agency under part 7007.0750, subpart 5.

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

[For text of subp 1, see M.R.]

Subp. 2. **Insignificant activities not required to be listed.** The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2).

A. Fuel use:

- (1) production of hot water for on-site personal use not related to any industrial process;
- (2) fuel use related to food preparation by a restaurant or cafeteria; and
- (3) fuel burning equipment with a capacity less than ~~30,000~~ 19,000 Btu per hour, but only if the combined total capacity of all fuel burning equipment at the stationary

source with a capacity less than ~~30,000~~ 19,000 Btu per hour is less than or equal to ~~500,000~~ 420,000 Btu per hour. For example: Facility A has ten fuel burning emission units, each with a capacity of ~~25,000~~ 18,000 Btu per hour. The ten units are all an insignificant activity under this subitem, because their combined capacity is less than ~~500,000~~ 420,000 Btu per hour (i.e., $10 \times \text{25,000 18,000 Btu/hr} = \text{250,000 180,000 Btu/hr} \leq \text{500,000 420,000 Btu/hr}$). Facility B has ~~21~~ 31 fuel burning emission units, each with a capacity of ~~25,000~~ 18,000 Btu/hr. None of the ~~21~~ 31 units are an insignificant activity under this subitem, because their total combined capacity is greater than ~~500,000~~ 420,000 Btu per hour (i.e., $\text{21 31} \times \text{25,000 18,000 Btu/hr} = \text{525,000 558,000 Btu/hr} > \text{500,000 420,000 Btu/hr}$).

[For text of items B to F, see M.R.]

G. Residential activities: typical emissions from residential structures, not including:

- (1) fuel burning equipment with a total capacity of ~~500,000~~ 420,000 Btu/hour or greater; and
- (2) emergency backup generators.

[For text of items H to K, see M.R.]

Subp. 3. **Insignificant activities required to be listed.** The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

A. Fuel use: space heaters fueled by kerosene, natural gas, or propane, but only if the combined total capacity of all space heaters at the stationary source is less than or equal to 420,000 Btu per hour. A space heater is a heating unit that is not connected to piping or ducting to distribute the heat.

B. Furnaces and boilers:

(1) infrared electric ovens; and

(2) ~~fuel-burning indirect heating~~ equipment with a capacity less than ~~500,000~~ 420,000 Btu per hour, but only if the total combined capacity of all ~~fuel-burning indirect heating~~ equipment at the stationary source with a capacity less than ~~500,000~~ 420,000 Btu per hour is less than or equal to ~~2,000,000~~ 1,400,000 Btu per hour. For example: Facility A has three ~~fuel-burning emission units~~ furnaces, each with a capacity of 400,000 Btu per hour. The three units are all an insignificant activity to be listed under this subitem, because their combined capacity is less than ~~2,000,000~~ 1,400,000 Btu per hour. Facility B has six ~~fuel-burning emission units~~ furnaces, each with a capacity of 400,000 Btu per hour. None of the six units is an insignificant activity under this subitem, because their total combined capacity is greater than ~~2,000,000~~ 1,400,000 Btu per hour. For purposes of this subitem, "indirect heating equipment" has the meaning given under part 7011.0500, subpart 9.

[For text of items C to H, see M.R.]

I. Individual emission units at a stationary source, each of which have a potential to emit the following pollutants in amounts less than:

(1) 4,000 pounds per year of carbon monoxide; ~~and~~

(2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, VOCs (including hazardous air pollutant-containing VOCs), and ozone; and

(3) 1,000 tons per year of CO₂e.

59.2 [For text of items J and K, see M.R.]

59.3 Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If a
59.4 ~~facility is~~ the owners and operators are applying for a part 70 permit, emissions units with
59.5 emissions less than all the following limits but not included in subpart 2 must be listed
59.6 in a part 70 permit application:

59.7 A. potential emissions of 5.7 pounds per hour or actual emissions of two tons
59.8 per year of carbon monoxide;

59.9 B. potential emissions of 2.28 pounds per hour or actual emissions of one ton
59.10 per year for particulate matter, particulate matter less than ten microns, nitrogen oxide,
59.11 sulfur dioxide, and VOCs; ~~and~~

59.12 C. for hazardous air pollutants, emissions units with:

59.13 (1) potential emissions of 25 percent or less of the hazardous air pollutant
59.14 thresholds listed in subpart 5; or

59.15 (2) combined HAP actual emissions of one ton per year unless the
59.16 emissions unit emits one or more of the following HAPs: carbon tetrachloride;
59.17 1,2-dibromo-3-chloropropane; ethylene dibromide; hexachlorobenzene; polycyclic
59.18 organic matter; antimony compounds; arsenic compounds, including inorganic
59.19 arsine; cadmium compounds; chromium compounds; lead compounds; manganese
59.20 compounds; mercury compounds; nickel compounds; selenium compounds;
59.21 2,3,7,8-tetrachlorodibenzo-p-dioxin; or dibenzofuran. If the emissions unit emits one or
59.22 more of the HAPs listed in this subitem, the emissions unit is not an insignificant activity
59.23 under this subitem; and

59.24 D. potential emissions up to 10,000 tons per year or actual emissions up to
59.25 1,000 tons per year CO₂e.

Calculation of emissions from the emissions units listed in this subpart shall be provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit emissions from the emissions units must be calculated in the permit application. If the applicant is applying for a state permit or an amendment to a state permit, this subpart does not apply.

[For text of subp 5, see M.R.]

7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.

Subpart 1. **Administrative amendments allowed.** The agency may make the permit amendments described in this subpart through the administrative permit amendment process described in this part. An owner or operator of a stationary source shall request an administrative amendment if changes are to be made under item B or E:

[For text of items A to C, see M.R.]

D. an amendment to eliminate monitoring, record keeping, or reporting requirements if:

[For text of subitems (1) to (4), see M.R.]

(5) the ~~piece of equipment~~ emission unit to which the monitoring, record keeping, or reporting requirement applies no longer exists or has been permanently disabled from use at the stationary source;

[For text of items E to K, see M.R.]

[For text of subps 2 to 7, see M.R.]

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

[For text of subp 1, see M.R.]

61.2 Subp. 2. **Minor amendment applicability.** Except as provided in subpart 1,
61.3 the agency may amend a permit to change permit conditions, unless the change to
61.4 permit conditions otherwise requires a major amendment or can be made through an
61.5 administrative amendment. The agency may allow a modification under the minor permit
61.6 amendment process of this part; if the modification will not cause an increase in emissions
61.7 of an air pollutant listed below in an amount greater than the threshold. If a regulatory
61.8 change results in existing insignificant activities no longer qualifying as such, the owners
61.9 and operators must submit an application within 30 days of the regulation's effective date
61.10 to incorporate those emission units or activities into the facility's permit:

61.11	Pollutant	Threshold
61.12	NO _x	9.13 pounds per hour
61.13	SO ₂	9.13 pounds per hour
61.14	VOCs	9.13 pounds per hour
61.15	PM-10	3.42 pounds per hour
61.16	CO	22.80 pounds per hour
61.17	Lead	.11 pounds per hour

61.18 For purposes of this part, whether or not the ~~modification~~ proposed change will cause an
61.19 increase in emissions shall be calculated as described in part 7007.1200. Modifications
61.20 or changes to permit conditions which would otherwise qualify for a minor or moderate
61.21 amendment under this part may be title I modifications, for which a major amendment
61.22 is required, using the methods of calculation required under title I of the act. Permittees
61.23 are reminded to review the definition of title I modifications and requirements of title I
61.24 of the act.

61.25 [For text of subp 3, see M.R.]

Subp. 4. **Minor or moderate application requirements.** An application requesting the use of minor or moderate permit amendment procedures shall meet the requirements of part 7007.0600, subpart 1, and shall also include the following:

A. a description of:

(1) the modification, change to permit conditions, or regulatory change;

(2) the emissions ~~resulting from~~ associated with the modification, change to permit conditions, or regulatory change;

(3) the emission units or activities affected by the modification, change to permit conditions, or regulatory change; and

(4) any new applicable requirements that will apply if the modification or change occurs;

B. if the amendment is to a part 70 permit, the ~~stationary source's~~ owners' and operators' suggested draft permit or draft amendment;

C. certification by a responsible official that the proposed amendment meets the criteria for use of minor or moderate permit ~~modification~~ amendment procedures, including, in the case of minor permit amendments, a certification that any increase in emissions will be below the thresholds listed in subpart 2, and a request that such procedures be used;

[For text of items D and E, see M.R.]

[For text of subps 5 and 6, see M.R.]

Subp. 7. **When permittee may make the proposed modification or change.**

A. The permittee may make the modification or change proposed in a minor permit amendment application seven working days after the application is received by the air quality division of the agency.

B. The permittee may begin actual construction on a modification proposed in a moderate permit amendment application upon receipt of a letter of approval from the agency authorizing such construction. However, the permittee may not conduct start-up of the modification until the amended permit has been issued.

Subp. 8. **Permittee's Permittees' risk in commencing construction.** If the owners or operators of the stationary source ~~makes~~ make the modification or change allowed by subpart 7, item A, or ~~begins~~ begin actual construction upon receipt of a letter of approval as allowed by subpart 7, item B, and until the agency acts on the minor or moderate permit amendment application, the stationary source must comply with both the applicable requirements governing the modification and the proposed permit terms and conditions. During this time period, the stationary source need not comply with the existing permit terms and conditions it seeks to ~~modify~~ change. However, if the ~~stationary source fails~~ permittees fail to comply with ~~its~~ the proposed permit terms and conditions during this time period, the existing permit terms and conditions ~~it seeks to modify~~ may be enforced against ~~it~~ the permittees. The ~~permittee assumes~~ permittees assume the risk of losing any investment ~~it makes~~ the permittees made toward implementing a modification or change prior to receiving a permit amendment authorizing the modification or change. The agency will not consider the possibility of the ~~permittee~~ permittees suffering financial loss due to such investment when deciding whether to approve, deny, or approve in modified form a minor or moderate permit amendment.

[For text of subp 9, see M.R.]

7007.1500 MAJOR PERMIT AMENDMENTS.

Subpart 1. **Major permit amendment required.** A "major permit amendment" is required for any change to permit conditions or any modification at a permitted stationary source that is not allowed under parts 7007.1250 and 7007.1350 and for which an amendment cannot be obtained under the administrative permit amendment provisions of

part 7007.1400, or the minor or moderate permit amendment provisions of part 7007.1450.

64.2 The following always require major permit amendments:

64.3 A. any significant amendment to existing monitoring, reporting, or record
64.4 keeping requirements in the permit other than:

64.5 [For text of subitems (1) to (5), see M.R.]

64.6 (6) eliminating the requirements for ~~a piece of equipment~~ an emission unit
64.7 that no longer exists or has been permanently disabled from use at the stationary source;

64.8 [For text of items B to E, see M.R.]

64.9 [For text of subps 2 to 4, see M.R.]

64.10 **7007.1850 EMERGENCY PROVISION.**

64.11 A. An "emergency" means any situation arising from sudden and reasonably
2 unforeseeable events beyond the control of the owners and operators of the stationary
64.13 source, including an act of God, that requires immediate corrective action to restore normal
64.14 operation, and that causes the stationary source to exceed a technology-based emission
64.15 limitation under the permit, due to unavoidable increases in emissions attributable to
64.16 the emergency. An emergency shall not include noncompliance to the extent caused by
64.17 improperly designed equipment, lack of preventative maintenance, careless or improper
64.18 operation, or operator error. Consistent with this definition of emergency, the agency may
64.19 state in the permit what types of situations will not be considered emergencies if they occur.

64.20 [For text of items B to F, see M.R.]

64.21 **7011.2305 STANDARDS OF PERFORMANCE FOR STATIONARY**
64.22 **COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES.**

64.23 Code of Federal Regulations, title 40, part 60, subpart IIII, as amended, entitled
64.24 "Standards of Performance for Stationary Compression Ignition Internal Combustion
64.25 Engines," is incorporated by reference.

**7011.2310 STANDARDS OF PERFORMANCE FOR STATIONARY SPARK
IGNITION INTERNAL COMBUSTION ENGINES.**

Code of Federal Regulations, title 40, part 60, subpart JJJJ, as amended, entitled
"Standards of Performance for Stationary Spark Ignition Internal Combustion Engines," is
incorporated by reference.

REPEALER. Minnesota Rules, part 7011.3520, is repealed.

EFFECTIVE PERIOD. The amendments to Minnesota Rules, parts 7005.0100 to
7007.1850, 7011.2305, and 7011.2310, and the repealer are effective upon expiration
of the temporary exempt rules published in the State Register, volume 35, page 1097,
January 24, 2011.